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IN THE DISTRICT COURT OF SALT LAKE COUNTY, STATE OF UTAH

LOUIS WAYMAN; MARK BAILEY
and MILDRED BAILEY, his wife;
EDWARD HOBBS; W. J. NORTON
and CLEONE NORTON, his wife;
FRANK LaROCCO and CAROL
LaROCCO, his wife,

Plaintiffs,

vs.

MURRAY CITY CORPORATION, a
municipal corporation of the
State of Utah; and WAYNE D.
CRIDDLE, State Engineer of the
State of Utah (HUBERT C.
LAMBERT, successor to Wayne
D. Criddle as State Engineer),

Defendants

AMENDED DECREE

Civil No. 137,776

This cause having come on regularly for trial before the above entitled Court, sitting without a jury, with the Honorable Aldon J. Anderson, then District Judge, presiding and E. J. Skeen appearing as attorney for the plaintiffs, Joseph Novak appearing as attorney for the defendant Murray City Corporation and Dallin W. Jensen appearing as attorney for defendant Wayne D. Criddle, State Engineer of the State of Utah (since succeeded by Hubert C. Lambert as State Engineer of the State of Utah); and the said Honorable Aldon J. Anderson, then District Judge, after having heard the evidence adduced, made and entered herein Findings Of Fact and Conclusions Of Law and Decree on the 20th day of October, 1967 and, pursuant to a written Stipulation dated the 13th day of February, 1968, made and entered herein Amendment to Findings Of Fact on the 13th day of February, 1968; that thereafter an appeal having been taken to the Utah Supreme Court, and its Opinion having been filed on the 16th day of September, 1969 as reported in 23 Utah 2d 97, 458 P.2d 861, thereby remanding this case for further proceedings and settlement of the rights of the parties in conformity with the

principles set forth in its Opinion, and the remittitur having been accordingly filed and this matter having been assigned to the Honorable _____, District Judge, and the Court now being fully advised in the premises and based upon the record and the evidence now before it, and having made and entered its Amended Findings Of Fact And Conclusions Of Law herein;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Change Application No. a-3887 be, and the same is hereby approved upon the condition that, in the event the ground water levels in plaintiffs' existing wells shall recede to below an elevation which is unreasonable for them to pump their existing wells by reasonable and efficient means, defendant Murray City Corporation be, and is hereby ORDERED at its sole cost and expense to replace to plaintiffs and each of them at the ground surface of their respective wells the quantities of potable water to which plaintiffs are entitled to divert by means of their wells only during such periods and at such times when the water levels in plaintiffs' wells shall remain below such unreasonable pumping levels and provided that plaintiffs and each of them shall maintain their respective wells in operable condition and in a reasonable state of repair; and that in all other respects the Decision of defendant Wayne D. Criddle, then State Engineer, dated May 28, 1962 be, and the same is hereby affirmed.

2. That defendant Hubert C. Lambert, as successor to defendant Wayne D. Criddle, as State Engineer, be, and he is hereby ORDERED and directed to conduct such further investigations and studies as may be necessary to analyze the total situation of the underground basin herein, including the quantities of water available, the average recharge in the basin, the existing rights and their priorities, and to determine the elevations of the water levels in plaintiffs' respective wells below which it shall be unreasonable for plaintiffs to pump water by reasonable and efficient means so as to supply their requirements as set forth in the Amended Findings Of Fact herein and still provide for the maximum development and beneficial use of the waters of this Basin without unnecessary waste,

and to submit his recommendations thereon to this Court for its determination and adjudication.

3. That defendant Hubert C. Lambert, as successor to defendant Wayne D. Criddle, as State Engineer, be, and he is hereby ORDERED to allocate and distribute the underground waters among the parties herein on the basis of his determination of the reasonable pumping levels pending the final determination and adjudication thereof by this Court.

4. That this Court shall, and it does hereby retain jurisdiction of this matter solely for the purpose of determining and fixing the reasonable pumping levels for the respective wells of plaintiffs, and in all other respects the issues between the parties herein be, and the same are hereby finally adjudicated and settled.

5. That each party shall bear his and its own costs.

Dated this _____ day of August, 1972.

BY THE COURT

District Judge